

INTERFERENCE DIGEST

Interference No. 105,494

Paper No.

Name: Jian Ni et al.

Serial No.: 09/340,690

Patent No.

Title: Human tumor necrosis factor receptor-like 2

Filed: 06/29/99

Interference with Spear et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

MAILED

DEC 14 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCESFiled by: Judge Richard Torczon
Telephone: 571-272-4683
Facsimile: 571-273-0042Applicants: NI
Application No.: 09/340,690
Filed: 06/29/99
For: Human tumor necrosis factor receptor-like 2

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,494.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/
RICHARD TORCZON
Administrative Patent Judge

1 BoxInterferences@uspto.gov
2 Telephone: 571-272-4683

Paper 1
DECLARED 14 December 2006

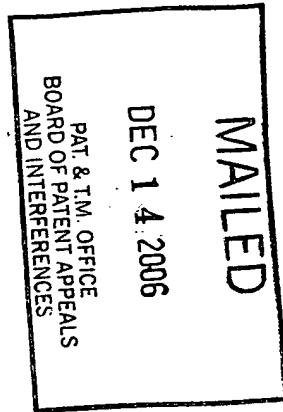
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4 UNITED STATES PATENT AND TRADEMARK OFFICE
5 BOARD OF PATENT APPEALS AND INTERFERENCES
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7 Patent Interference No. 105,494 (RT)
8 (From Technology Center 1600)

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10 HUMAN GENOME SCIENCES, INC.
11 and SmithKline Beecham Corporation
12 (08/741,095 and 09/340,690),¹
13 Junior Party,

14 v.

15
16 NORTHWESTERN UNIVERSITY
17 (6,291,207 and 6,303,336),²
18 Senior Party.



21 DECLARATION - Bd.R. 203(b)³

22 By TORCZON, Administrative Patent Judge.

23 A. Declaration of interference

24 An interference is declared pursuant to 35 U.S.C. 135(a). Details of the applications,
25 patent, count, and claims designated as corresponding to the count appear under headings E
26 and F of this DECLARATION.

¹ Docket ## 1488.0770004 and 1488.0770007, respectively.

² Docket ## NOR3446P0020 and 10147-1U1. The National Institutes of Health may also have an interest in the case.

³ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 B. Designation to manage

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3 Administrative Patent Judge Richard Torczon has been designated to manage the
4 interference. Bd. R. 104(a).

5 C. Standing order

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7 A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
8 DECLARATION. The STANDING ORDER applies to this contested case.

9 D. Conference call to set dates

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11 A telephone conference call to set dates for action in this contested case is scheduled for
12 **2 p.m. (Eastern) on 21 February 2007.** (The Board will initiate the call.)

13 No later than **19 February 2007**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list
14 of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as Form 2 in the
16 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
17 call and to agree on dates for taking action. A typical motion period lasts approximately eight
18 (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

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E. The parties to this interference

Junior Party

Applications: 08/741,095 and 09/340,690

Title: Human tumor necrosis factor receptor-like 2

Inventors: Jian Ni of Rockville, Craig A. Rosen of Laytonsville, and Reiner L. Gentz of Silver Spring, all three of Maryland; and Sally Doreen Patricia Lyn of West Chester and Mark Robert Hurle of Norristown, both of Pennsylvania.

Senior Party

Patent: 6,303,336 and 6,291,207

Title: Herpes virus entry receptor protein

Inventors: Patricia G. Spear of Chicago and Rebecca I. Montgomery of Hinsdale, both of Illinois.

F. Count and claims of the parties

Count 1: An isolated polynucleotide comprising—

Northwestern SEQ ID NO 1 from nucleotide position 294 to

nucleotide position 1142 or

HGS SEQ ID NO 25 from nucleotide position 123 to nucleotide position 608.

Count 2: The protein of Northwestern SEQ ID NO 2 or HGS SEQ ID NO 26.

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1 The claims of the parties are:

2 HGS & al.: 08/741,095: 186-230

3 09/340,690: 27-38, 45-50, 57-62, 81-86, and 175-196

4 Northwestern: 6,291,207: 1-23

5 6,303,336: 1-26

6 The claims corresponding to Count 1:

HGS & al.: 08/741,095: 186-230
09/340,690: 27-38, 45-50, 57-62, 81-86, and 175-196

9 Northwestern: 6,291,207: 1-17 and 19-23

10 6,303,336: 1-26

11 The claims corresponding to Count 2:

12 HGS & al.: 08/741,095: 186-230

13 09/340,690: 27-38, 45-50, 57-62, 81-86, and 175-196

14 Northwestern: 6,303,336: 1-26

15 The claims not corresponding to either count:

16 HGS & al.: None

17 Northwestern: 6,291,207: 18

18 The benefit accorded for Counts 1 and 2:

19 HGS & al.: 09/340,690, filed 29 June 1999;

20 08/741,095, filed 30 October 1996.

Northwestern: 09/333,279, filed 15 June 1999; and

22 08/509,024, filed 28 July 1995.

1 G. Heading to be used on papers; exhibit numbers
23 Addendum 1 provides the heading that shall be used on all papers filed in the contested
4 case. See SO ¶ 106.1.1.

5 The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

6 Northwestern: 1001-1999.

7 HGS & al.: 2001-2999.

8 H. Order form for requesting file copies
910 When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite
11 processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a
12 hand-drawn circle around the patents and applications for which a copy of a file wrapper is
13 requested.14 Attachment: Copy of the application⁴ claims for 08/741,095 and 09/340,690.
15

16 Enclosure: Copy of STANDING ORDER (Paper 2)

17 cc (overnight delivery):

18 For Human Genome Sciences, Inc., and SmithKline Beecham Corporation: Kenley Hoover,
19 HUMAN GENOME SCIENCES, INC., of Rockville, Maryland.20 For Northwestern University: MEDLEN & CARROLL LLP of San Francisco, California.
21

⁴ Any United States patent listed in this paper is available at <http://patft.uspto.gov/>.

ADDENDUM 1

Filed on behalf of: [Name of Party] Paper No. [Leave blank]
By: [Name of lead counsel]
Name of backup counsel
Street address
City, State, and ZIP Code
Tel:
Fax:]

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,494 (RT)

HUMAN GENOME SCIENCES, INC.
and SmithKline Beecham Corporation
(08/741,095 and 09/340,690),
Junior Party,

v

NORTHWESTERN UNIVERSITY
(6,291,207 and 6,303,336),
Senior Party.

TITLE OF PAPER

ADDENDUM 2

FILE COPY REQUEST
Patent Interference No. 105,494

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the
circle each patent and application that you are requesting. Include the following
action to facilitate processing of this REQUEST:

5 Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.